

In re Marie MIX, Debtor

No. 99-32191-BKC-SHF

(Cite as: 244 B.R. 877)

Debtor claimed an exemption in workers' compensation settlement. Debtor deposited workers' compensation lump-sum settlement into separate bank account. Subsequently, Debtor deposited \$1,159.85 from a source other than proceeds of the settlement into the account. The Trustee objected to the exemption on two grounds: (1) the workers' compensation proceeds in the checking account had been commingled with other funds; and (2) \$69,800.00 of the workers' compensation claim settlement was allocated for past and future medical expenses and not for past and future compensation benefits. The Court held that: (1) as long as funds can be identified as proceeds of workers' compensation benefits, it does not matter that they are commingled in an account with other funds; and (2) the scope of Section 440.22 is not limited to lost wages.